

REMARKS

Claims 1-19 are pending. By the present Amendment, claims 1 and 2 have been rewritten and combined as new claim 20. Similarly, claims 7 and 8 have been rewritten and combined as new claim 22. Applicants note with appreciation the allowance of claims 3, 4, 9 and 10 if rewritten in independent form. Accordingly, claims 1 and 3 have been rewritten and combined as new claim 21. Claims 7 and 9 have been rewritten and combined as new claim 23. Further, the dependencies of claims 4, 5, 10, 11 and 17 have been changed. The claim objection to claim 17, as amended herein, has therefore been overcome. Claims 1-3 and 7-9 are now canceled. Claim 14 has been amended to more clearly recite the present invention.

In the Office Action, claims 1, 2, 5-8 and 11-13 are rejected under 35 U.S.C. §102(e) [sic] as being anticipated by U.S. Patent No. 6,029,045, to Picco et al. As stated above, claim 1 and claim 2 have been combined and rewritten as new claim 20. Claim 20 recites a user playback apparatus comprising a receiver for receiving a broadcast signal. The broadcast signal comprises control data having index data to identify which of predefined content segments stored at the memory device of a user playback apparatus to retrieve for insertion into an output signal, among other aspects of the present invention. The Picco et al patent discloses a system wherein a set-top box stores local content data that can be inserted into a programming data stream for playback. The Picco et al patent, however, does not anticipate or suggest the invention as claimed in claim 20 because the set-top box determines, based on user preferences or content profiles of the locally stored content, which piece of local content is going to be inserted into the programming data stream (see the abstract, column 10, lines 2-26, column 10, lines 62-66, and column 14, lines 8-12 of the Picco et al patent). By contrast, the claimed invention provides index data identifying stored predefined content segments in the control data of the broadcast signal. The Picco et al patent teaches away from this aspect of the present invention. As stated in of the Picco et al patent, the system disclosed therein provides for the insertion of local

content into programming data that is customized at the set-top box based on the preferences of a viewer. The system disclosed in the Picco et al patent, therefore, would not provide index data, as claimed, in a broadcast signal for broadcast transmission to the set-top boxes for the identification and retrieval of the local content. In view of the above, withdrawal of the rejection of claims 20, 5 and 6 as being anticipated by the Picco et al patent is believed to be proper and is respectfully requested.

Claim 22 is similar to claim 20 in that it recites a method employing index data in the control data of a broadcast signal to identify which predefined content segments stored in the memory device of a receiver are to be provided in an output signal of the receiver. As stated above, the Picco et al patent does not disclose or suggest this aspect of the present invention and, in fact, teaches away from it. The system disclosed in the Picco et al patent seeks to allow set-top boxes to select locally stored content for customized playback in a programming data stream (see the abstract, column 10, lines 2-26, column 10, lines 62-66, and column 14, lines 8-12 of the Picco et al patent). Accordingly, withdrawal of the rejection of claims 22 and 11-13 as being anticipated by the Picco et al patent is believed to be proper and is respectfully requested.

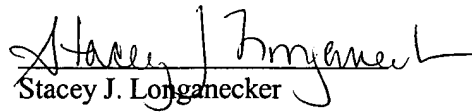
Claim 15 recites a receiver for receiving a broadcast signal having control data that indicates which content segments stored at a memory device are to be played back via an output device, as well as when the content segments are to be played back. The broadcast signal from the cable and satellite transmission systems disclosed in the Picco et al patent simply to not identify which locally stored content pieces the set-top boxes are to insert into a programming data stream during playback. To do so is in complete opposition with the object of the invention disclosed in the Picco et al patent (i.e., to provide customized playback of selected local content at a set-top box that is determined at the set-top box based on user preferences). The Picco et al patent simply does not contemplate transmitting a broadcast signal that controls a plurality of set-top boxes to retrieve and play the same identified locally stored content piece.

Withdrawal of the rejection of claims 15-19 as being anticipated by the Picco et al patent is therefore believed to be proper and is respectfully requested.

In the Office Action, claim 14 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,864,747, to Clark et al. The Clark et al patent discloses a digital data delivery system wherein an uplink station 22 (see Fig. 2) prepares information content packages (ICPs) for transfer to user stations. A supervisory computer 48 adds a packet header and a service channel identification (SCID) number to the packets to be sent to the user stations. A program guide 45 at the uplink station in Fig. 2 informs each user station 28 which service channels are to be combined using the SCIDs. The SCIDs refer to the communication channels used to broadcast data, audio and video to user stations via a satellite and, therefore, are not the same as identifying predefined content segments stored at remote location for playback as claimed. Accordingly, withdrawal of the rejection of claims 14 as being anticipated by the Clark et al patent is believed to be proper and is respectfully requested.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,


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